

### **REMARKS**

This Amendment is submitted in response to the Office Action mailed on August 17, 2010. Claims 1, 2, 4-11, 22 and 23 have been amended, claim 21 has been canceled without prejudice or disclaimer, and new claims 25 and 26 have been added. Claims 1-15 and 22-26 remain pending in the present application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Applicants have also filed herewith a Request for Continued Examination so that Applicants' After Final Amendment will be entered and considered by Examiner.

Claims 1-15 and 21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *iButton* ("*iButton*"), further in view of NPL\_Log-  
\_RealTime\_1992-3-4.pdf ("*Button3*"), and further in view of Richard et al., U.S. Patent No. 6,564,120 ("*Richard et al.*"). Claim 22 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Margrey et al., U.S. Patent No. 5,366,896 ("*Margrey et al.*"). Lastly, claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Margrey et al.* in view of *iButton*. Applicants respectfully traverse these rejections for the reasons set forth below and respectfully request that the rejections be withdrawn.

Examiner will note that Applicants have canceled independent claim 22 without prejudice or disclaimer so the rejection of this claim is now moot.

With respect to the rejection of independent claim 1, the Examiner will note that Applicants have amended this claim to recite, as part of the claimed combination, a plurality of tracking devices configured to permit (i) monitoring the presence of a plurality of items removably stored within the storage unit, (ii) monitoring the temperature of the plurality of items and (iii) generating tracking data, at least one real-time clock tracking the timing of events associated with the plurality of items, the events including temperature of the plurality of items, insertion or removal of the plurality of items into or from the storage unit, and access to the plurality of items by a user, an access control system configured to grant access and identify access to the plurality of items by the user through an identification of the user, and a processing device that reads and records the tracking data from the plurality of tracking devices, the timing of events, and the identification of the user from the access control system.

While *iButton* may be configured to permit monitoring the temperature of an item and generating timing data associated with the temperature of the item, *iButton* is completely silent with respect to many other elements recited in amended independent claim 1, including a tracking device configured to permit monitoring the presence of a plurality of items removably stored within a storage unit, at least one real-time clock tracking the timing of insertion or removal of a plurality of items into or from a storage unit and access to a plurality of items by a user, an access control system configured to grant access and identify access to a plurality of items by a user through an identification of a user, and a processing device that reads and records the

tracking data from the plurality of tracking devices, the timing of events and the identification of the user from the access control system.

In an attempt to cure these deficiencies in *iButton*, the Examiner turns to *Button3* and asserts that *Button3* includes a stop-watch, alarm clock, time and date stamp, log book, hour meter, calendar, system power cycled timer, interval timer and event scheduler. Notwithstanding these apparent features of *Button3*, *Button3* is still completely silent with respect to a tracking device that is configured to permit monitoring the presence of a plurality of items removably stored within a storage unit, at least one real-time clock tracking the timing of insertion or removal of a plurality of items into or from a storage unit and access to the plurality of items by a user, an access control system configured to grant access and identify access to the plurality of items by the user through an identification of the user, and a processing device that reads and records the tracking data from the plurality of tracking devices, the timing of events and the identification of the user from the access control system as recited in amended independent claim 1.

In a further attempt to cure the deficiencies in *iButton* and *Button3*, the Examiner then turns to *Richard et al.* and asserts on Page 4 of the Office Action that *Richard et al.* allegedly discloses a processing device that reads and records tracking data from a plurality of tracking devices, the timing of events, and the identification of a user from an access control system.

Applicants respectfully submit that while *Richard et al.* may disclose robot mechanisms that are provided with bar code readers for identifying specimens stored in the receptacles of the grid arrays and storage containers (see, Col. 5, lines 46-48), the bar codes apparently provided on the receptacles of the grid arrays and storage containers cannot properly be asserted to comprise tracking devices since the bar codes, themselves, do not permit monitoring the temperature of the plurality of items as recited in independent claim 1. Moreover, *Richard et al.* appears to be silent with respect to an access control system and at least one real-time clock that tracks the timing of insertion and removal of a plurality of items into or from a storage unit and access to a plurality of items by a user, a processing device that records the timing of events, and the identification of the user accessing the plurality of items as recited in independent claim 1.

For each of these independent reasons, Applicants respectfully submit that the prior art of record fails to fairly teach or suggest the combination of elements recited in amended independent claim 1 and the rejection of this claim should be withdrawn.

With respect to the rejection of independent claim 22, Examiner will note that independent claim 22 has been amended to recite, as part of the claimed combination, a plurality of tracking devices configured to permit (i) monitoring the presence of a plurality of items removably stored within the storage unit and (ii) generating tracking data, at least one real-time clock tracking the timing events

associated with the items, the events including insertion or removal of the plurality of items into or from the storage unit, and access to the plurality of items by a user, an access control system configured to grant access and identify access to the plurality of items by the user through an identification of the user, and a processing device that reads and records the tracking data from the plurality of tracking devices, the timing of events, and the identification of the user from the access control system.

While the robotically operated laboratory system of *Margrey et al.* includes a User Interaction Station (see, Col. 23, lines 14-39) that grants access to the laboratory system through user specific passwords or other technologies such as magnetic card stripes, bar codes, keys or fingerprint recognition devices, *Margrey et al.* is completely silent with respect to the identification of the user accessing the laboratory system being recorded by a processing device, as well as timing data associated with access to the laboratory device as recited in independent claim 22. Moreover, *Margrey et al.* is completely silent with respect to at least one real-time clock that tracks the timing of insertion or removal of a plurality of items into or from a storage unit as recited in independent claim 22.

The Examiner refers to the MAGIK/KAOS interface described at Col. 19, line 66 through Col. 20, line 14 as allegedly describing this recited feature. However, Applicants respectfully submit that this disclosure in *Margrey et al.* is completely silent with respect to tracking and recordation of timing data related to insertion or removal of a plurality of items into or from a storage unit as claimed.

For each of these independent reasons, Applicants respectfully submit that *Margrey et al.*, taken alone, or in combination with the other prior art of record, fails to fairly teach or suggest the combination of elements recited in independent claim 22 and rejection of this claim should be withdrawn.

Applicants have added new independent claim 25 which recites a storage system comprising a storage unit, a plurality of tracking devices configured to permit (i) monitoring the presence of a plurality of items removably stored within the storage unit and (ii) generating tracking data, at least one real-time clock tracking the timing of events associated with the plurality of items, the events including insertion or removal of the plurality of items into or from the storage unit and access to the plurality of items by a user, an access control system granting access to the plurality of items by the user and a processing device that reads and records the tracking data from the plurality of tracking devices and the timing of events.

Applicants respectfully submit that the prior art of record fails to fairly teach or suggest the combination of elements recited in independent claim 25 and, therefore, this claim is allowable.

Moreover, as claims 2-15, 23, 24 and 26 depend from allowable independent claims 1, 22 and 25, and further as each of these claims recites a combination of elements not fairly taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

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Amendment Dated 2/17/11  
Reply to Office Action of 8/17/10

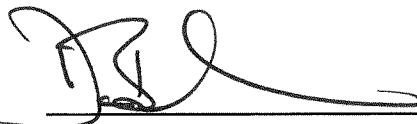
### **CONCLUSION**

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of \$810 for the Request for Continued Examination fee as required by 37 C.F.R. §1.17(e) and for the charge in the amount of \$1,110 for the three month extension fee as required by 37 C.F.R. §1.17(a)(3). If any other fees are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in black ink, appearing to be 'D. Brinkman', written over a horizontal line.

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